HOUSING ACTION CAMPAIGN

FACTSHEET 20P

The Housing Action Campaign was set up to fight for one of people's basic rights - the right to decent accommodation. We are putting forward practical solutions that could be implemented to solve the housing crisis and will be actively campaigning to pressurise the government to adopt our programme.

Our main demands are:

- **RENT CONTROLS**
- **SECURITY OF TENURE**
- **EMERGENCY BUILDING PROGRAMME OF LOCAL AUTHORITY HOUSES**

RENT CONTROLS

IN THE past year rents have risen by 25% and in Dublin the average increase was closer to 30%. These increases means that the cost of living in Dublin is now one of the highest in any city in the world. While student grants are kept to a minimum and wages are curtailed under the partnership agreements, rent increases are causing real hardship for thousands of people.

So far the government has ruled out the introduction of rent controls because they fear upsetting the landlords and their powerful lobby groups.

They contend that rent controls are unconstitutional and that they interfere with the 'rights' of landlords. But what about our rights?

If rent controls are unconstitutional then the constitution must be changed. Landlords continue to cash in on the chronic housing shortage and leaving rents to be dictated by the free-market is a recipe for disaster.

No-one would expect healthcare to be left up to 'market forces' or that urgent operations should only be given to the highest bidder.

So why should we expect any less when it comes to people's basic need for shelter.

Rent controls existed in this country up until 1982 when they were abolished because a Fianna Fail senator, Paddy Maddigan, brought a case to the High Court. In fact rent controls exist today in most European countries.

In Germany, for example, landlords cannot raise rents by more than 5% at any one time and even then they have to justify the increase and cannot increase rents again for a further 3 years.

This proves that rent controls are not the impossible aspiration we are led to believe.

Without rent controls it will remain almost impossible for a tenant to challenge their landlord on any other issue.

If a tenant complains about the standard of accommodation, for example, the landlord will effectively be able to evict that tenant by raising the rent to force them out.

SECURITY OF TENURE

LAST YEAR 2,737 tenants contacted the housing advice organisation, *Threshold*, in connection with eviction notices. This gives some indication of the scale of the problem. Under current law landlords are obliged to give four weeks' notice of eviction but are not obliged to give any reason to the tenant to justify it.

This leaves landlords as a law onto themselves and leaves tenants at the mercy of any unscrupulous landlord.

A frightening new development in relation to rent allowances could see this lack of security for tenants take on a huge significance.

The local authorities have just implemented a new policy of contacting any landlord whose tenant receives rent allowance, to force them to register and report them to the Revenue Commissioners.

Because they are not doing this in conjunction with a push to register all landlords this will very likely result in evictions of tenants on rent allowance in favour of tenants who can afford to pay privately.

The corporation are clearly using this as a tactic to force people to try to survive without rent allowance and the threat of evictions will force many people to do just that.

At a time when less people can afford to buy houses and more people are renting on a long term basis, it is just not acceptable that someone who has been living in a flat for up to twenty years can be asked to leave their home within four weeks.

EMERGENCY BUILDING PROGRAMME OF LOCAL AUTHORITY HOUSES

MANY OF the problems in the rented sector have reached crisis point because of the underlying problem that there is a huge shortage of houses. In 1987 a worker on the average industrial wage could afford to buy a house.

Today a third of wage earners fall below the house-purchase threshold and there is an urgent need for the government to provide affordable accommodation for all. There are over 50,000 people on the national housing list and Dublin Corporation still receives over

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80 applications a week from people with children who are looking for accommodation.

But the crisis isn't just in Dublin. In Donegal, 2,000 people are on the housing lists, in Sligo there are 1,000, and in Galway the list has doubled to 800 in three years. In Waterford there are 1,400 applications, yet the corporation plans to build just 90 homes a year.

In the past, one in four houses were built by the local authorities but this all changed under Charlie Haughey's government.

In 1989 the local authorities built no houses at all and building has remained at a low level since then. This has led to a 50 percent increase in the housing list in the last five years.

As pressure grows for more tax concessions for big business less money is available for vital services like housing.

Dublin Corporation is only building 300 houses in the next three years, and will run out of land in 18 months. This is while there are over 20,000 people on its waiting list who are desperate for a house.

Local authorities say that they don't have any land to build on. Yet all local authorities have the right to buy land by Compulsory Purchase Order. The problem is that they have to pay market prices and in the Celtic Tiger that means hugely inflated prices.

The other reason why there is a major problem is that the local authorities have been selling off their land banks to private developers over the years.

They did this to make up for the shortfall in funding from the central government. But now it means that they have not got the land to cope with the massive housing crisis.

A massive investment in building public housing could be undertaken by local authorities if the rich were taxed.

Direct labour units should be established to undertake the building programme and local authorities should pool their resources to come up with practical designs.

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March on the Dail

Assemble

Parnell Square

3pm Saturday

May 22nd

TENANTS RIGHTS AND THE LAW

THE GOVERNMENT introduced The Housing Act in 1992 which was supposed to grant important new rights for tenants.

Some of the rights which this legislation granted tenants are outlined below but the reality for most people is that conditions have continued to worsen.

Landlords still retain the 'right' to charge what they please and to evict people without reason.

So far landlords have been able to openly flout the law without fear of any action being taken against them.

This is because the laws were never intended to actually regulate landlords but were in fact a cynical attempt to placate the electorate by being seen to do 'something'.

The revelations which emerged during the last general election, about the Fianna Fail TD for Galway West, Frank Fahey, highlighted the government's hypocrisy. Fahey had actually voted for the legislation in the Dail and it then emerged that he was a landlord in Galway City and had failed to register with the Local Authority as is required by the law.

The penalty for failing to register, meet minimum standards or provide a rent book, can supposedly be up to £1,000 and £100 for every day following conviction where the landlord continues the offence.

There have been no convictions, however, of any landlords. By the end of 1997 only 25,799 landlords had registered even though it is estimated that there were 90,000 private rented tenancies.

The local authorities only inspected 6,048 flats in 1995 to enforce the regulations on standards and this fell further to 3,846 inspections in 1996.

The local authorities' reluctance to prosecute landlords is being backed up by the courts, who are happy to dole out eviction orders but have no interest in bringing unlawful landlords to justice.

One district judge in Ennis recently ruled that in order to convict a landlord for failing to register, the local authorities had to prove that the landlord was not letting his property as a matter of "temporary convenience". This is almost impossible to prove in practice.

In a court case against a registered landlord who had failed to pay the annual fee of £40 the same judge ruled that the local authority was entitled to levy the fee but was not entitled to prosecute for non-payment.

The limited regulations that do exist, mean nothing when, in effect, there are no penalties for failing to comply.

When a landlord violates any other rights of a tenant, it is left up to the individual concerned to take a private action through the civil courts which requires time and money.

For the laws to work effectively the government must be forced to turn it's back on it's rich business backers and implement safeguards for ordinary people. These must include:

- New legislation that gets rid of the loopholes for landlords.
- Higher level of investigations and enforcement by the local authorities.
- Confidentiality for tenants who lodge complaints.
- Security of tenure to prevent victimisation of tenants who lodge complaints.
- State prosecutions of landlords who violate any tenant rights.

KNOW YOUR RIGHTS

RENT BOOKS

Landlords are obliged to provide you with a rent book which sets out the conditions of tenancy.

It must include details of rent, deposits and a statement of your tenancy rights. All payments to the landlord must be recorded either in the rent book or by written statement.

DEPOSITS

Where a landlord has withheld a deposit unfairly it is possible to apply to the Small Claims Court to recover it.

Applications to the Small Claims Registrar cost £5 and must be made on a special form. You can get more information at your local District Court.

It is illegal for a landlord to hold your goods in lieu of money owed.

LEASES

A lease or letting agreement is a legally binding contract between a landlord and tenant.

If you do not break the conditions of the lease you cannot be asked to leave.

You are entitled to formal notice of any claim that you have broken the tenancy conditions and must be given time to set things right.

The landlord is liable for all expenses incurred in drawing up the lease.

Once the lease expires you have no automatic right to renew it

RENT INCREASES

Landlords have a legal right to raise your rent at any time unless you have a lease agreement preventing this.

You are, however, entitled to proper notice of any increase which will depend on the terms of your tenancy.

On a monthly tenancy you are entitled to a month's notice.

NOTICE TO QUIT

If you do not have a lease and have been renting for less than 20 years, landlords can give you notice to quit at any time without giving a reason.

You are, however, entitled to four weeks' notice of eviction which must be given in writing.

After this time a landlord may get an eviction order from a court to force you to leave. It is illegal for a landlord to forcibly evict you or your belongings without a court order.

PRIVACY

Your landlord is only allowed to enter your home with your permission.

This also applies to any person doing repairs for the landlord or viewing the house etc.

You are entitled to have visitors stay overnight.

STANDARDS

Your landlord is obliged to ensure that your flat meets minimum legal standards.

For example it must be in good structural repair, have hot and cold water, adequate heating and ventilation, appliances in good working order, and electrical wiring, gas, pipes in good repair.

You can notify the local authority if your flat is in breach of these standards and they are responsible for carrying out an inspection and ordering the landlord to make the necessary improvements.

Another option is to notify the environmental health inspectors in the corporation if the conditions of your flat pose a risk to your health or safety.

RENT ALLOWANCE

You are not automatically entitled to rent allowance as this is assessed on an individual basis but if you are claiming social welfare, on a FAS scheme or working part-time you may be eligible.

In order to apply you must get a statement of income from your welfare office or employer and evidence of your tenancy (e.g. Rent book).

Your landlord must also complete a form provided by the health board.

Some landlords are reluctant to fill out these forms, usually because they are not registered as landlords with the local authority and wish to avoid paying tax.

It is illegal for a landlord not to be registered and the local authority is responsible for ensuring that they do. Working people are entitled to tax concessions if they are paying rent and similar conditions apply.

INFORMATION

If you are dealing with an agent, you can find out who your landlord is by going to the Dublin Land Registry, 5th floor, Setanta Centre, Nassau St.

Your local county council or corporation will be able to tell you whether or not your landlord has registered with the local authority.

HOUSING ACTION CAMPAIGN

THE WAY TO WIN

As we have seen, the government has made no attempt to defend tenants rights or deal with the housing crisis. In many cases the lack of security for tenants means that individuals are almost powerless to challenge the landlords on their own. The Housing Action Campaign aims to bring together tenants in local areas so that as a group we can stand up to the landlords and defend our rights. In this way, we can challenge the landlords while also highlighting our main demands and putting public pressure on the government to take us seriously.

Action Groups are being set up in Cork, Galway, Waterford and a number of areas in Dublin. Some suggestions of action that local Housing Action groups can take are outlined below.

- Petitioning in local shopping centres, colleges etc. to collect signatures in support of our demands and get more people to join the campaign.
- "Phone trees"- lists of campaigners in the area that people can call on in cases of intimidation or victimisation by landlords.
- Regular press releases to advertise demonstrations or highlight individual cases.
- Producing leaflets and posters to advertise the march on the Dáil on May 22nd or other local demonstrations.
- Passing resolutions in Trade Unions and Student Unions in support of our demands and endorsing our march on the Dáil.
- Occupations or pickets on houses where people are threatened with eviction or exorbitant rent increases.
- Occupations of empty corporation houses or new apartment blocks, with media coverage, to highlight the shortage of accommodation.
- Demonstrations outside court hearings in cases of eviction orders being sought.
- Press conferences to "out" landlords who are not registered or defying other regulations.

JOIN THE HOUSING ACTION CAMPAIGN

NAME _____

ADDRESS _____

_____

TEL. NO. _____

UNWAGED - £2

WAGED - £3

FOR MORE DETAILS CONTACT
GRACE LALLY - (01) 4735071